



DAC
CP215

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Martin J. Jacobs et al.

Serial No.: 09/975,350

Group Art Unit: 1615

Filing Date: October 11, 2001

Examiner: Fubara, Blessing M.

For: COMPOSITIONS COMPRISING MODAFNIL COMPOUNDS

DATE OF DEPOSIT: November 14, 2003

I HEREBY CERTIFY THAT THIS PAPER IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL
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P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Patricia A. Sexton
Printed Name: Patricia A. Sexton

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ A Reply Responsive to the Office Action Dated March 7, 2003.
- ☐ A Reply Supplemental to the Paper filed _____.
- ☐ Other: _____.

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- ☒ Return Postcard
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Terminal Disclaimer.
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- ☒ Other Material as follows:
- 1) **Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR § 1.137(b);**
 - 2) **Request for Continued Examination (RCE);**
 - 3) **Fee Transmittal.**

EXTENSION OF TERM

- ☐ Petition is hereby made for an extension of time under 37 C.F.R. 1.136(a) for the total months and fee as checked below:

	NOT SMALL ENTITY	
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$410	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$930	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$1450	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$1970	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)
TOTAL FEE DUE		\$

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 03-1195. This sheet is provided in duplicate.

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☒ Address all correspondence to **Customer No. 27573** which is assigned to Cephalon, Inc., 145 Brandywine Parkway, West Chester, PA 19380.

☒ Direct all telephone calls to:

Cephalon, Inc.
145 Brandywine Parkway
West Chester, PA 19380
Telephone: (610) 738-6465
Facsimile: (610) 738-6590

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: November 14, 2003



Eric K. Voelk
Registration No. 45,185

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 2,172.00

Complete if Known

Application Number	09/975,350
Filing Date	October 11, 2001
First Named Inventor	Martin J. Jacobs
Examiner Name	Fubara, Blessing M.
Art Unit	1615
Attorney Docket No.	CP215

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
03-1195Deposit Account Name
Cephalon, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
94	-20** = 4	X 18	= 72
Independent Claims	- 3** =	X	=
Multiple Dependent			=

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 72

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	1,330
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	770
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 2,100

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Eric K. Voelk	Registration No. (Attorney/Agent)	45,185	Telephone	610-738-6465
Signature		Date	November 14, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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